

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Arbitration Application No. 13 of 2023

Pandey Brothers, a sole proprietor firm at Ghurni Joria, Katras Road, Matkuria, Dhanbad through its Proprietor Sri Ashwini Kumar Pandey, S/o Sri Kamaldutt Pandey, R/o: Surya Vihar Colony Gali no.3, Bartar, II Floor, P.O+P.S+District: Dhanbad, State: Jharkhand.

... **Petitioner**

Versus

1. East Central Railway, Dhanbad through Sr. Divisional Engineer (3), P.O, P.S and District: Dhanbad
2. General Manager, East Central, Hajipur, P.O & P.S and District: Hajipur.

... **Respondents**

CORAM: HON'BLE THE ACTING CHIEF JUSTICE

For the Petitioner	: Mr. Sachin Kumar, Advocate
For the Resp.-UOI	: Mr. Anil Kumar, ASGI
	Mr. Abhijeet Kr. Singh, AC to ASGI

Order No. 5/Dated: 21st June 2024

This Arbitration Application has been filed by Pandey Brothers seeking appointment of an Arbitrator under section 11(6) of the Arbitration and Conciliation Act, 1996 (in short, AC Act).

2. The proceedings in this Arbitration Application disclose that on 23rd February 2024 two weeks' time was granted to the respondents to file their response but, even after four months, no affidavit has been filed by the respondents raising any objection to this Arbitration Application for appointment of an Arbitrator to resolve the dispute between the parties.

3. The dispute raised by the applicant-Firm is arbitrable. In view of the judgment in "*N.N Global Mercantile (P) Ltd. v. Indo Unique Flame Ltd.*" (2023) 7 SCC 1, while examining the application under section 11(6) of the AC Act all that the Court is required to look into is the existence of an arbitration clause.

4. This Court therefore appoints Mr. Arpan Mishra, a practicing lawyer of this Court, to act as the Arbitrator, who may enter reference within 30 days of the communication of this order. The fee of the learned Arbitrator

shall be as per Fourth Schedule to the AC Act. This is also indicated that seat of the arbitration shall be at Ranchi and the learned Arbitrator shall be at liberty to change the venue for arbitration with the consent of the parties, who shall provide all necessary logistics if so desired by him.

5. Arbitration Application No.13 of 2023 is allowed.

(Shree Chandrashekhar, A.C.J.)

R.K./Vedanti